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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Eighty-ninth session

Summary record of the 2443rd meeting
Held at the Palais Wilson, Geneva, on Wednesday, 11 May 2016, at 10 a.m.

Chair: Ms. Crickley

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The meeting was called to order at 10.35 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Draft concluding observations on the combined twenty-first to twenty-third periodic reports of Spain (CERD/C/ESP/CO/R.21-23)

1. **Mr. Murillo Martínez** (Country Rapporteur), introducing the draft concluding observations on the combined twenty-first to twenty-third periodic reports of Spain (CERD/C/ESP/CO/R.21-23), said that the comments submitted by Committee members had been reflected in the draft text under consideration.

2. **The Chair** invited the members of the Committee to consider the draft concluding observations paragraph by paragraph.

Paragraph 1

3. **The Chair** said that a reference to the 2443rd meeting should be inserted into paragraph 1.

4. *Paragraph 1, as amended, was adopted.*

Paragraph 2

5. *Paragraph 2 was adopted.*

Paragraph 3

6. **Ms. McDougall** said that she was uncomfortable with the use of the term "Gypsy" in the English-language version of the document under consideration. Except where the word formed part of the official title of a programme or action plan, the term "Roma" should be employed instead.

7. **The Chair** said that the Spanish Roma self-identified as "*gitanos*" (Gypsies). The delegation of Spain had stated that, when translating documents into English, they generally used the term "Roma".

8. **Mr. Avtonomov** said that the term "*gitanos*" was used by Spanish Roma in order to make a distinction between themselves and Eastern European Roma, who were known as "*romanies*" in Spanish.

9. **The Chair** asked the secretariat to check the titles of the Plan of Action and the National Strategy referred to in subparagraph 3 (c).

10. **Mr. Lindgren Alves** suggested that the English word "Gypsy" be replaced with the Spanish term "*gitano*", except in reference to official programmes and plans.

11. *It was so agreed.*

12. *Paragraph 3 was adopted, subject to possible minor editorial amendments.*

Paragraph 4

13. *Paragraph 4 was adopted.*

Paragraph 5

14. *Paragraph 5 was adopted.*

Paragraph 6

15. **Mr. Kemal** suggested adding "and in the light of United Nations General Assembly resolution 70/1, 'Transforming our world: the 2030 Agenda for Sustainable Development'," after the reference to the Committee's general recommendation No. 8 (1990).

16. Following an exchange of views in which **the Chair**, **Ms. McDougall** and **Ms. Dah** took part, **the Chair** suggested that the Committee should not include any reference to the Sustainable Development Goals in the paragraph until it had received clarification of the situation regarding the adoption of indicators for the Goals relating to disaggregated data.

17. *It was so decided.*

18. *Paragraph 6 was adopted.*

Paragraph 7

19. *Paragraph 7 was adopted.*

Paragraph 8

20. **The Chair** said that the full name of the Committee on the Elimination of Racial Discrimination should be written out in subparagraph 8 (b) in order to avoid confusion.

21. **Mr. Khalaf** said that the word "mechanisms" in paragraph 8 (b) should perhaps be replaced with the term "bodies".

22. **Mr. Murillo Martínez** (Country Rapporteur) said that the concept of "mechanisms" included, for example, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.

23. **The Chair** said that she thought the term "mechanism" was satisfactory. She suggested that the word "including" should be inserted before "through the provision of sufficient resources" at the end of subparagraph 8 (b), since effective implementation of the plan would require more than the provision of resources; political will, for example, would also be needed.

24. **Mr. Murillo Martínez** (Country Rapporteur) said that the Spanish-language version of the text was clear in that regard.

25. **The Chair** said that, in that case, "including" was not needed. She took it that the Committee wished to adopt the paragraph with the amendment to subparagraph 8 (b).

26. *Paragraph 8, as amended, was adopted.*

Paragraph 9

27. **Ms. Dah** said that the heading above paragraphs 9 and 10 in the French-language version referred to racist speech and incidents, whereas the Spanish-language version referred only to racist incidents. If the intention had been to refer to the issue of hate speech, then reference should be made to article 4 of the Convention in paragraph 9.

28. **The Chair** said that the secretariat had informed her that the French-language version of the heading was inaccurate and would be brought into line with the Spanish-language version. There had not been any intention to refer to the issue of hate speech in that section of the document.

29. *Paragraph 9 was adopted.*

Paragraph 10

30. *Paragraph 10 was adopted.*

Paragraph 11

31. **Ms. Mohamed** said that clarification of the term "decree-law" would be welcome.

32. **Mr. Murillo Martínez** (Country Rapporteur) explained that, in Spain and in certain Latin American States, the executive branch of government could issue decrees that had the force of law. Such a decree was known as a "*decreto ley*" (decree-law).

33. *Paragraph 11 was adopted.*

Paragraph 12

34. *Paragraph 12 was adopted.*

Paragraph 13

35. **Mr. Cali Tzay**, in response to a request from **Ms. Mohamed** for clarification of the term "royal decree", said that in countries such as Spain with a monarch who possessed legal powers, a decree could be drafted by the Council of Ministers and signed by the reigning monarch. Such a decree was known as a royal decree and, like a decree-law, had the force of law.

36. **Ms. Li** Yanduan said that the term "due process judge" might be unclear to a layperson.

37. **Mr. Murillo Martínez** said that the Spanish term, "*juez de control*", was sufficiently clear. Perhaps a different term could be found in English.

38. *Paragraph 13 was adopted, subject to minor editorial changes in the English version.*

Paragraph 14

39. **Mr. Kut** said that the phrase "as appropriate" should be added after "perpetrators are punished" at the end of the paragraph, in keeping with the Committee's usual practice.

40. *Paragraph 14, as amended, was adopted.*

Paragraphs 15 to 19

41. *Paragraphs 15 to 19 were adopted.*

Paragraph 20

42. **The Chair** suggested that the reference to treaty bodies in the first sentence of the paragraph should be strengthened by citing the specific treaty bodies that had called for investigations into the excessive use of force by security forces in Ceuta and Melilla.

43. **Ms. Shepherd** said that the preposition "by" should be added before the phrase "groups in Spanish society" in the first sentence to make it clear that the treaty bodies were not a part of Spanish society.

44. *Paragraph 20, as amended, was adopted.*

Paragraph 21

45. *Paragraph 21 was adopted.*

Paragraph 22

46. **Ms. Shepherd**, noting that paragraph 21 referred specifically to single women and single mothers, asked whether paragraph 22 should do the same.

47. **Mr. Murillo Martinez** (Country Rapporteur) said that he saw no problem with adding "especially those of single women and single mothers" after "the specific needs of the persons located in the centres".

48. *Paragraph 22, as amended, was adopted.*

Paragraph 23

49. **The Chair**, in response to a question from **Mr. Kut**, confirmed that, in both paragraph 23 and paragraph 24, the term "Gypsies" would be changed to "*gitanos*" in references to Spanish Roma as opposed to Roma from elsewhere.

50. *Paragraph 23, as amended, was adopted.*

Paragraph 24

51. **Ms. McDougall** said that the phrase "step up" in the first sentence should be replaced with "accelerate". The second sentence should also include a reference to the Committee's general recommendation No. 32 on special measures.

52. *Paragraph 24, as amended, was adopted.*

Paragraph 25

53. **Mr. Murillo Martinez** said that the word "alleged" should be added before "offenders" in the second sentence of the paragraph.

54. *Paragraph 25, as amended, was adopted.*

Paragraph 26

55. **Mr. Murillo Martinez** said that, in order to make the recommendation more flexible for the State party, he would suggest adding "*o adecuación*" (or adaption) before "of an independent and impartial body" in the first sentence of the paragraph.

56. **Mr. Kut** said that it seemed inappropriate to end the paragraph with the phrase "to promote general awareness of diversity at all levels of education" because the paragraph focused on the media and not on education. The phrase should be omitted as it diluted the strength of the recommendation.

57. **Ms. Shepherd** pointed out that the media played a role in educating the public; it might therefore be clearer to refer to "public education".

58. **Mr. Murillo Martinez** suggested that, rather than removing the reference to education from the recommendation in paragraph 26, the idea of education might be introduced in paragraph 25.

59. **The Chair** suggested that the last part of the sentence in question might be amended to read "to promote general awareness of diversity in all dimensions of the media".

60. **Ms. Dah**, noting that awareness-raising was an important aspect of article 7 of the Convention, said that she supported the Chair's proposal.

61. *Paragraph 26, as amended, was adopted.*

Paragraph 27

62. *Paragraph 27 was adopted.*

Paragraph 28

63. **Ms. McDougall** proposed replacing "once and for all" with "completely". She also wondered whether "acts" should be replaced with "violations of the law".

64. **The Chair** suggested rephrasing the sentence to read: "… take the necessary steps to put a definitive end to …", which would align the English version more closely with the Spanish version.

65. **Mr. Murillo Martínez** said that he preferred to retain the word "acts", which was more general. The acts in question might be of an administrative, procedural or regulatory nature and not necessarily a violation of the law per se.

66. **The Chair** said that she took it that the Committee wished to retain the word "acts" and to amend the English version to read "… put a definitive end to …"

67. *Paragraph 28, as amended, was adopted.*

Paragraphs 29 and 30

68. **Ms. Shepherd** said that some of the matters addressed in the recommendations in paragraph 30 were not mentioned as concerns in paragraph 29. For example, there was nothing in paragraph 29 about disaggregated data, employment or the absence of dialogue on the impact of slavery and the slave trade.

69. **Mr. Murillo Martínez** said that the concept of structural discrimination, to which the Committee had referred in its general recommendation No. 34 on racial discrimination against people of African descent, encompassed the issues mentioned by Ms. Shepherd; nevertheless, an expression of concern about the absence of dialogue on issues affecting Afro-descendants, including the slavery and slave trade of the past, could be added at the end of the paragraph.

70. **Mr. Kut** said that he found paragraph 29 confusing, particularly the second sentence. He also wondered whether it was desirable to conflate the situation of victims of the slave trade with that of African migrants to Spain, two different groups with different concerns.

71. **Ms. Hohoueto** agreed that there was a distinction to be made between persons who were descendants of victims of the slave trade and more recent African migrants.

72. **Ms. Shepherd** said that there was nevertheless a sense of unity between continental Africans and people of African descent over the issue of slavery and the slave trade. She suggested that paragraph 29 might be clarified by adding "in Spanish society" at the end of the first sentence and by redrafting the second sentence to read: "But it is concerned at the existence of structural discrimination in various areas of life of people of African descent, rooted in the transatlantic slave trade and slavery. This is reflected in the lack of political representation and public participation in all branches of public life and in employment practices." In the last sentence, she suggested inserting "instead of as Spanish citizens" after "second-generation migrants". She also proposed adding a new sentence at the end of the paragraph, reading: "The Committee is also concerned at the lack of dialogue over reparatory justice between the State and people of African descent in Spain, who claim to be affected by the modern legacies of slavery and the transatlantic slave trade."

73. **The Chair** said that, as currently drafted, paragraph 29 stated as a fact that all people of African descent born in Spain were referred to as "second-generation migrants". It should be verified that that was indeed the case.

74. **Ms. Dah** suggested that further discussion of paragraphs 29 and 30 should be postponed to give Mr. Murillo Martínez, Ms. Shepherd and other interested members time to prepare a new draft of paragraph 29, as well as of paragraph 30 if necessary, to be considered at the Committee's next meeting.

75. *It was so agreed.*

Paragraph 31

76. **Ms. Hohoueto** suggested deleting the word "significant" in the first sentence.

77. **Ms. McDougall**, supported by **Mr. Murillo Martínez**, said that the differences in the quality of education were indeed significant and that the Committee should reflect that fact in its concluding observations.

78. **The Chair** said that she took it that the Committee wished to adopt the paragraph as worded in the current draft.

79. *It was so decided.*

80. *Paragraph 31 was adopted.*

Paragraph 32

81. *Paragraph 32 was adopted.*

Paragraph 33

82. **Mr. Murillo Martínez** suggested that "and peoples of African descent" be added after each mention of indigenous peoples in both paragraphs 33 and 34.

83. **Ms. Hohoueto** proposed replacing the phrase "outside Spain" with the phrase "in former Spanish colonies" in the last sentence.

84. **The Chair** pointed out that indigenous persons adversely affected by the actions of transnational corporations headquartered in Spain might be in countries that were not former Spanish colonies.

85. **Ms. McDougall** suggested replacing the phrase "outside Spain" with the phrase "in the country of operations" at the end of the last sentence.

86. **Ms. Dah** said that the phrase "by the State party" should be added at the end of the first sentence.

87. **The Chair**, agreeing that the proposal by Ms. McDougall would clarify what was meant, said that she took it that the Committee wished to accept that amendment and those proposed by Ms. Dah and Mr. Murillo Martínez.

88. *Paragraph 33, as amended, was adopted.*

Paragraph 34

89. **The Chair** said that the wording of paragraph 34 would be amended to reflect the amended wording of paragraph 33.

90. **Ms. McDougall** asked whether she was correct in thinking that International Labour Organization Convention No. 169 referred to "prior consent" rather than "prior consultation".

91. **Mr. Calí Tzay** said that, in fact, that Convention referred only to prior consultation, although the United Nations Declaration on the Rights of Indigenous Peoples did refer to "prior and informed consent". While he did not consider prior consultation to be sufficient,

it would constitute a major step forward for Spain. If he remembered correctly, the Committee had previously decided that a recommendation like the one contained in paragraph 34 should be made as a standard recommendation for any State party where the issue was relevant. Such a recommendation had already been made, for example, in concluding observations relative to Australia, Canada, the Netherlands and the United States of America.

92. **Mr. Murillo Martínez** said that the current wording was appropriate, as it fell within the framework of what was currently legally binding for most States where the issue was relevant.

93. **The Chair** suggested that the Committee might also recommend the speedy final adoption of the National Plan on Business and Human Rights, which was currently only a draft plan.

94. *It was so decided.*

95. *Paragraph 34, as amended, was adopted.*

96. **The Chair** invited the members of the Committee to consider paragraph by paragraph the portion of the draft concluding observations that had not been submitted for in-session translation owing to the word limit.

Paragraph 35

97. **The Chair** said that a heading that read "Ratification of other instruments" would be inserted before the paragraph, as per the Committee's usual practice.

98. *Paragraph 35 was adopted.*

Paragraph 36

99. **Mr. Lindgren Alves** asked whether it might be possible to combine paragraphs 36 and 37 into a single paragraph.

100. **The Chair** said that it would not be expedient to do so as both were standard paragraphs.

101. *Paragraph 36 was adopted.*

Paragraph 37

102. *Paragraph 37 was adopted.*

Paragraph 38

103. **The Chair** said that the standard phrase concerning the dissemination of the Committee's concluding observations in the languages spoken in the State party would be added to the paragraph.

104. *Paragraph 38 was adopted on that understanding.*

Paragraph 39

105. *Paragraph 39 was adopted.*

106. **Mr. Avtonomov** proposed adding a paragraph that would include the standard recommendation to ratify the amendment to article 8 of the Convention, given that Spain had not yet done so.

107. **Ms. Dah** asked whether Spain had made the optional declaration provided for in article 14 of the Convention. If not, the standard recommendation to do so might also be included.

108. **Mr. Avtonomov** said that Spain had made the optional declaration.

109. **The Chair** said that she took it that the Committee wished to adopt the standard recommendation concerning the amendment to article 8 of the Convention, which would become paragraph 40.

110. *It was so decided.*

Paragraph 40 (new paragraph 41)

111. **Mr. Avtonomov** suggested requesting information on the State party's follow-up to the recommendations contained in paragraphs 12, 26 and 28.

112. **Mr. Bossuyt** said that he was in favour of requesting information on follow-up to the recommendations in paragraphs 12 and 28, but thought that the Committee should not request information on paragraph 26 in the interest of limiting the request to what could reasonably be achieved within a year's time.

113. *Paragraph 40 (new paragraph 41), as amended, was adopted.*

Paragraph 41 (new paragraph 42)

114. **Mr. Avtonomov** proposed drawing attention to the particular importance of the recommendations in paragraphs 8, 14, 24 and 30.

115. **Mr. Kut** said that it would not be appropriate to adopt the paragraph if it included a reference to paragraph 30, as the final wording of that paragraph had not yet been decided.

116. **Mr. Murillo Martínez** proposed referring to paragraphs 14, 20, 24 and, provisionally, 30.

117. **The Chair** suggested deferring the adoption of the paragraph until the next meeting.

118. *It was so agreed.*

Paragraph 42 (new paragraph 43)

119. **Mr. Avtonomov** proposed recommending that the State party should submit its combined twenty-fourth and twenty-fifth periodic reports on 14 October 2019.

120. *Paragraph 42 (new paragraph 43), as amended, was adopted.*

The meeting rose at 12.55 p.m.

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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Eighty-ninth session

Summary record of the 2444th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 11 May 2016, at 3 p.m.

Chair: Ms. Crickley
later: Mr. Cali Tzay (Vice-Chair)

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The meeting was called to order at 3.45 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Draft concluding observations on the combined twenty-first to twenty-third periodic reports of Spain (continued) (CERD/C/ESP/CO/R.21-23)

1. **The Chair** invited Committee members to resume their consideration of the draft concluding observations on the periodic report of Spain (CERD/C/ESP/CO/R.21-23).

Paragraph 29

2. **Mr. Murillo Martínez** (Country Rapporteur) drew attention to the revised version of paragraph 29, which had been distributed to Committee members in Spanish only. The changes represented a consensus following consultations with various Committee members. The revised text read: "The Committee takes note of the Government's initiatives to integrate the African population in Spanish society. But it is concerned at the structural discrimination affecting people of African descent, both those who are recent migrants from Africa and those who are descendants of the transatlantic slave trade and slavery. Notwithstanding their different backgrounds, both suffer the impact of structural barriers that negatively impact the full enjoyment of their rights in Spain, including in areas such as political participation, education, employment as well as in other aspects of public life. The Committee is further concerned about the stereotyping of people of African descent who, according to some sources, are labelled as 'second-generation migrants', despite the fact that they were born in Spain. The Committee is also concerned at the lack of dialogue between the State party and people of African descent in Spain regarding the legacy of the transatlantic slave trade, slavery and colonialism."

3. **Mr. Kut** said that the paragraph had been considerably improved. However, he wished to propose slightly different wording that would bring the paragraph into line with the language generally used in the Committee's concluding observations. It would read: "The Committee takes note of the Government's initiatives to integrate the African population in Spanish society. But it is concerned that structural discrimination affects both those people of African origin who are migrants directly from Africa and those who are descendants of the transatlantic slave trade and slavery. While they have different backgrounds, both suffer the impact of structural barriers that negatively impact the full enjoyment of their rights in Spain, including in the areas of political participation, education, employment as well as in other areas of public life. The Committee is further concerned about the stereotyping of people of African origin as 'second-generation migrants', even if they are born in Spain. The Committee is also concerned at the lack of dialogue between the State party and people of African origin in Spain about the legacy of colonialism."

4. **Mr. Bossuyt** agreed with Mr. Kut's proposed text but in the penultimate sentence he proposed deleting the words "even if they are born in Spain". If one parent was an immigrant it did not matter whether the children were born in the country or not, they were still second-generation migrants.

5. **Ms. McDougall** said that the way the expression "second-generation migrant" was used in Spain made it a racial slur that undermined the person's empowerment and integration.

6. **The Chair** agreed that the issue was one of usage: the term "second-generation migrants" was in fact accurate but it was used as a means of stereotyping. She suggested amending the penultimate sentence to read "The Committee is further concerned at the use of the term 'second-generation migrants' as a means of stereotyping people of African origin".

7. **Mr. Cali Tzay** said that the term was indeed used to stereotype Afro-descendants. The State party recognized only the issue of race, not its historical role in the slave trade 500 years previously.

8. **Ms. Dah** said that in Europe the term "second-generation migrant" might be accurate but it was not politically correct. The Committee needed to be vigilant and not necessarily accept States parties' usage of terms.

9. **Ms. Hohoueto** said that she accepted the new text. It said what it meant.

10. **Mr. Bossuyt** said that the choice was either to delete the reference to the second generation and retain the reference to being born in Spain or to retain the reference to the second generation and delete the reference to being born in Spain. Even if they had been born in Spain, the persons concerned were still regarded as migrants.

11. **Mr. Murillo Martínez** said that the expression "second-generation migrant" had extremely strong connotations in Spain, which directly affected young persons.

12. **Ms. Dah** said that it was important to reflect the fact that the persons concerned were Spanish, not migrants.

13. **The Chair** suggested using the words "Spanish people of African descent".

14. **Ms. McDougall** proposed the words "stereotyping of people of African descent as migrants, even if they are born in Spain".

15. **Mr. Murillo Martínez** said that it was important to retain the concept of the second generation as it was a strongly pejorative expression that was used in everyday language and thus perpetuated the stereotype.

16. **Mr. Kut** said that he would prefer to use the wording that had been suggested by the Chair. In addition, he wished to recall that he himself had proposed the words "of African origin", not "of African descent".

17. **The Chair** repeated her own suggestion for the penultimate sentence of the paragraph, namely "The Committee is further concerned at the use of the term 'second-generation migrants' as a means of stereotyping people of African origin". If there was no objection she would take it that the Committee agreed to that wording.

18. *It was so decided.*

19. **The Chair** said that she took it that the Committee wished to adopt the text proposed by Mr. Kut, as amended.

20. *Paragraph 29, as amended, was adopted.*

Paragraph 30

21. **Mr. Murillo Martínez** drew attention to the amendments proposed to paragraph 30, namely the addition at the end of subparagraph (a) of the words "as well as in terms of employment and education", and the deletion of subparagraph (b), since statistical data had already been mentioned.

22. **Mr. Kut** said that, in order to bring the wording of subparagraph (a) into line with the language of the Committee's general recommendation No. 34, he proposed amending it to read: "Draw up and put into effect special measures to secure equal opportunities for participation by people of African descent in public employment and government bodies."

23. *It was so decided.*

24. **Mr. Kut** proposed deleting the words "and with participation by the African diaspora" in subparagraph (d). The dialogue ought to involve everyone, including the

mainstream population. Who did "the diaspora" refer to? It was a problematic expression in general.

25. **Ms. McDougall** proposed replacing the words "with participation by the African diaspora" by the words "with the full participation of the affected group".

26. *It was so decided.*

27. *Paragraph 30, as amended, was adopted.*

Paragraph 41

28. **Mr. Murillo Martínez** said that, as he understood it, paragraphs 14, 24, 26 and 30 had been proposed as the paragraphs of particular importance. He personally would have favoured the inclusion of paragraph 20, but was willing to accept the majority opinion.

29. **The Chair** said that paragraph 8 had also been proposed for inclusion.

30. **Ms. McDougall** said that paragraphs dealing with issues of life and death should be given priority over those in which the Committee called for legislative amendments.

31. **The Chair** said that she took it that the Committee wished to highlight paragraphs 14, 24, 26 and 30 as the paragraphs of particular importance.

32. *It was so decided.*

33. *Paragraph 41, as amended, was adopted.*

34. *The draft concluding observations on the combined twenty-first to twenty-third periodic reports of Spain, as a whole, as amended, were adopted.*

35. *Mr. Cali Tzay (Vice-Chair) took the Chair.*

Draft concluding observations on the combined sixth to eighth periodic reports of Georgia (CERD/C/GEO/CO/R.6-8)

36. **The Chair** invited the members of the Committee to consider the draft concluding observations paragraph by paragraph.

Paragraphs 1 to 8

37. *Paragraphs 1 to 8 were adopted.*

Paragraph 9

38. **Mr. Kut** proposed that, in subparagraph (d), the word "other" should be inserted before "underlying causes".

39. *Paragraph 9, as amended, was adopted.*

Paragraph 10

40. **Ms. Shepherd** said that the information submitted by the State party in its periodic report related to individuals who had migrated from the African continent. It would thus be more accurate to refer to "people of African origin" rather than "people of African descent".

41. **Mr. Avtonomov** said that the term "people of African descent" had been defined in the Committee's general recommendation No. 34 and had been used frequently in the past.

42. **Mr. Kut** said that, following lengthy discussions on the subject, the Committee had decided that "people of African descent" denoted all individuals who could trace their origin back to Africa through the slave trade, while "people of African origin" should be used for individuals who had migrated from the African continent. He agreed with Ms.

Shepherd that, in the paragraph in question, the Committee appeared to be referring to "people of African origin".

43. **Ms. Crickley** (Country Rapporteur) said that the paragraph concerned the situation of both racial or ethnic minorities and non-citizens, including people of African descent. She proposed adding the words "and of African origin" after "people of African descent".

44. *Paragraph 10, as amended, was adopted.*

Paragraph 11

45. *Paragraph 11 was adopted.*

Paragraph 12

46. **Mr. Kut**, in reference to subparagraph (b), said that the Committee should avoid titles that might be interpreted as legitimizing terrorist groups. With that in mind, Daesh was preferable to any other names.

47. **Mr. Avtonomov** said that, in reality, young people were vulnerable to recruitment by a number of terrorist organizations and that the subparagraph should be amended accordingly.

48. **Ms. Crickley** proposed that subparagraph (b) should refer simply to "radicalization and recruitment by terrorist groups", without listing any examples.

49. *It was so decided.*

50. *Paragraph 12, as amended, was adopted.*

Paragraph 13

51. *Paragraph 13 was adopted.*

Paragraph 14

52. **Mr. Kut**, referring to the formatting of paragraph 14, asked why the subparagraphs were not separated.

53. **The Chair** said that the same formatting had been used for some paragraphs in previous concluding observations.

54. **Ms. Shepherd** asked why the term "of Roma origin" had been used in paragraph 14, rather than simply "Roma".

55. **The Chair** said that the term had also been used in other Committee documents.

56. *Paragraph 14 was adopted.*

Paragraphs 15 to 20

57. *Paragraphs 15 to 20 were adopted.*

Paragraph 21

58. **Ms. Shepherd** asked what was meant by "properly justified" in subparagraph (c). Did it mean that evidence should be provided to justify the decision not to grant asylum to an individual?

59. **Ms. Crickley** said that the term "properly justified" should indeed be understood as meaning that evidence was required. There had reportedly been instances where the State party had refused to grant asylum on the basis of a general threat to national security,

without providing further details or reasoning. Such a practice was of major concern to the Committee and for that reason the reference to proper justification was considered necessary.

60. *Paragraph 21 was adopted.*

Paragraphs 22 to 29

61. *Paragraphs 22 to 29 were adopted.*

Paragraph 30

62. **Ms. Crickley** said that there had been some uncertainty about which recommendations should be emphasized under paragraphs 30 and 31, which dealt with follow-up and paragraphs of particular importance, respectively. Under paragraph 30, it had been suggested that paragraph 7 on the implementation of anti-discrimination legislation should be included, as the implementation activities concerned were already under way, together with paragraph 15 on initiatives for the Roma, as that recommendation had been included in previous concluding observations.

63. Following a discussion in which **Mr. Kut, the Chair** and **Ms. Crickley** took part, **the Chair** said that he took it that, in paragraph 30, the Committee wished to request follow-up information on the implementation of the recommendations contained in paragraphs 7 and 23.

64. *It was so decided.*

65. *Paragraph 30, as amended, was adopted.*

Paragraph 31

66. **Ms. Crickley** said that paragraph 17 on the repatriation of persons deported by the Union of Soviet Socialist Republics in 1944, and paragraph 15 on discrimination against the Roma, which had previously been referred to in the Committee's concluding observations, should be mentioned under paragraph 31. Paragraph 11 on statistical data and paragraph 21 on asylum seekers were also proposed for inclusion.

67. *It was so decided.*

68. *Paragraph 31, as amended, was adopted.*

Paragraphs 32 to 33

69. *Paragraphs 32 to 33 were adopted.*

70. *The draft concluding observations on the combined sixth to eighth periodic reports of Georgia, as a whole, as amended, were adopted.*

The meeting rose at 5.30 p.m.